

**PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL**

Regular Meeting of the City Council
January 20, 2009

Lake Forest City Hall
25550 Commercentre Drive
City Council Chamber
Lake Forest, California 92630

PRELIMINARY ACTION AGENDA: The listed Action represents a brief synopsis of the Council action. The Council Minutes, when approved, stand as the official record of the meeting. This Preliminary Action Agenda is provided as quick reference only and is <u>NOT</u> intended to serve as any form of the official record and should not be relied upon in making important decisions. Before making important decisions, you should review the approved minutes.
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CALL TO ORDER: 6:15 p.m.

ROLL CALL: Council Members:	Richard T. Dixon (Absent) Kathryn McCullough Marcia Rudolph
Mayor Pro Tem:	Peter Herzog
Mayor:	Mark Tetterer
City Manager:	Robert C. Dunek
City Attorney:	Scott C. Smith
City Clerk:	Sherry A.F. Wentz

RECESS: City Council recessed at 6:15 p.m. for the purpose of conducting Closed Session business.

CLOSED SESSION (F: 16.3) 6:15 p.m.

1. CLOSED SESSION ITEMS FOR DISCUSSION
 - A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (Three (3) properties: A-C)

City Negotiators: City Manager and City Attorney

Property Negotiators: Property Owners of Record
Under Negotiation: Price, Terms of Payment

A. Property: 18 acre portion of Tentative Tract 15944 consisting of Lots 14, 15, 16, 21, and 22 along with the westerly 118'± of Lot 20 and the westerly portion of Lot 17 described by a line extending from the common front corner between Lots 16 & 17 "M" Street to a point on the northeasterly line of Lot 20, 118'± from the north center, Lake Forest, CA

B. Property: 20 acres located on APN 104-143-25 and 104-143-27, located at Rocky Road, west of Portola Parkway, south of Foothill Transportation Corridor, Lake Forest, CA

C. Property: APN 613-571-06 and 07, Lake Forest, CA

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 (b): One (1) Case.

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:47 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:00 p.m., with Council Member Dixon absent to continue regular City business.

PUBLIC SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE: (F: 26.21)

Council Member McCullough led the pledge of Allegiance to the Flag of our Country.

CLOSED SESSION REPORT: (F: 16.3)

City Attorney Smith stated there were no reportable actions from Closed Session.

PRESENTATIONS:

2. INTRODUCTION OF NEW EMPLOYEE – ASSISTANT PLANNER DEVELOPMENT SERVICES DEPARTMENT submitted by Director of Development Services. (F: 48.8D)

ACTION: The City Council received the introduction of new Assistant Planner Stephanie Roxas.

3. INTRODUCTION OF NEW EMPLOYEE – INFORMATION TECHNOLOGY MANAGER submitted by Director of Management Services. (F: 48.8K)

ACTION: The City Council received the introduction of new Information Technology Manager Douglas McBratney.

4. REPORT BY INVESTMENT OVERSIGHT REVIEWER QUARTER ENDED SEPTEMBER 2008, submitted by Director of Finance/City Treasurer. (F: 30.10A)

ACTION: The City Council received and filed the report.

REPORT FROM STUDENT LIAISON: (F: 35.2A)

Christopher Berardino, Student Liaison from El Toro High School, presented his report.

RECESS: City Council recessed at 7:13 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:14 p.m., with Council Member Dixon absent to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

The public offered no comments.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 5)

5. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$742,093.76. (F: 30.11)

Council Member Rudolph pulled the following warrant for the purpose of clarification: Ewing Irrigation.

ACTION: On motion by Council Member McCullough and second by Mayor Pro Tem Herzog, the City Council approved the remainder of the warrant register as submitted. **MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.**

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Herzog, the City Council approved warrant payable to Ewing Irrigation. **MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.**

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 6-13) (Items No. 10 and 12 were pulled for separate consideration).

6. **MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS WHICH APPEAR ON THE PUBLIC AGENDA SHALL**

BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED.

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council waived the reading of Ordinances and Resolutions. MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.

7. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON DECEMBER 16, 2008, submitted by City Clerk.

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council approved the Minutes of the regular City Council Meeting held on December 16, 2008, as submitted. MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.

8. ADOPTION OF ORDINANCE NO. 200 submitted by City Clerk. (F: 47.9)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: 1. Conducted second reading of Ordinance No. 200 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING CHAPTERS 11.16 AND 13.04 OF THE LAKE FOREST MUNICIPAL CODE AND ADDING CHAPTER 5.05 TO THE LAKE FOREST MUNICIPAL CODE RELATING TO SPECIAL EVENTS. 2. Adopted Ordinance No. 200 as submitted. MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.

9. AWARD OF CONTRACT FOR DESIGN SERVICES FOR THE EXPANSION OF ETNIES SKATEPARK OF LAKE FOREST submitted by Director of Community Services. (F: 46.9A PW 2007.25)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: 1. Approved the selection of Site

Design, Inc., for design services for the expansion project at the Etnies Skatepark of Lake Forest. 2. Authorized the Mayor to execute, and the City Clerk to attest, the agreement with Site Design, Inc., substantially in the form attached. MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.

10. APPROVAL OF CONSTRUCTION CONTRACT FOR THE ADA WHEELCHAIR ACCESS RAMP IMPROVEMENTS (PW 2007.09) submitted by Director of Public Works/City Engineer. (F: 61.3A PW 2007.09)

ACTION: On motion by Council Member McCullough and second by Council Member Rudolph, the City Council: 1. Awarded a contract, in the amount of \$185,600.00 to Unique Performance Construction, Inc., of Costa Mesa, California, for the ADA Wheelchair Access Ramp Improvements (PW 2007.09). 2. Upon receipt of the executed contract documents from Unique Performance Construction, Inc., reject all other bids received and authorized return of the Bid Bonds. 3. Authorized the Mayor to sign, and the City Clerk to attest the contract with Unique Performance Construction, Inc. 4. Authorized the City Manager to approve contract change orders up to a maximum of ten percent (10%) of the contract amount. MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.

11. APPROVAL OF PLANS AND SPECIFICATIONS FOR TRAFFIC SIGNAL PREEMPTION (PW 2007.19) submitted by Director of Public Works/City Engineer. (F: 66.8A PW 2007.19)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: 1. Approved the plans and specifications for the Traffic Signal Preemption project. 2. Authorized the City Clerk to advertise and receive bids for this project. MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.

12. AMENDMENT TO AGREEMENT D99-128 FOR THE NEWPORT BAY WATERSHED submitted by Director of Public Works/City Engineer. (F: 69.13E)

ACTION: On motion by Mayor Tetteimer and second by Council Member Rudolph, the City Council: 1. Approved Amendment No. 2 to the Corporative Agreement to fund Nutrient, Fecal Coliform, and Toxics Total Maximum Daily Load (TMDL) Studies in the Newport Bay/San Diego Creek Watershed, substantially in the form attached. 2. Authorized the Mayor to sign and the City Clerk attest to Amendment No. 2 to the Agreement. MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.

13. APPROVE AGREEMENT FOR STREET SWEEPING SERVICES submitted by Director of Public Works/City Engineer. (F: 64.5A)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council approved an agreement in the amount of \$364,034.95 to Jonset Corporation, dba, Sunset Property Services, of Irvine, California, for street sweeping services within the City of Lake Forest. 2. Authorized the Mayor to sign, and the City Clerk to attest, the agreement with Jonset Corporation, dba, Sunset Property Services, substantially in the form attached. MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.

DISCUSSION/ACTION ITEMS:

14. STREET SWEEPING PARKING RESTRICTIONS submitted by Director of Public Works/City Engineer. (F: 64.5)

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Herzog, the City Council continued a resolution entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ESTABLISHING STREET SWEEPING PARKING RESTRICTIONS ON VARIOUS STREETS. MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSENT.

15. LEGISLATIVE AND REGULATORY MATTERS submitted by Assistant to the City Manager. (F: 72.2B)

ACTION: The City Council received and filed the report with minute action to adopt positions on various legislative proposals as recommended.

16. REQUESTS FOR APPOINTMENT TO AGENCIES, BOARDS, COMMISSIONS AND/OR COMMITTEES THROUGH THE LEAGUE OF CALIFORNIA CITIES submitted by City Clerk. (F: 43.4B)

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT: (F: 26.17)

City Manager Dunek offered no comments.

CITY COUNCIL COMMENTS: (F: 26.9)

Council Member Dixon was absent.

Council Member McCullough presented comments.

Council Member Rudolph presented comments.

Mayor Pro Tem Herzog presented comments.

Mayor Tetteimer presented no comments.

CONTINUED CLOSED SESSION: (F: 16.3)

ACTION: There was no continued Closed Session.

ADJOURNMENT: (F: 26.8) 7:57 p.m.